

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Ismail Dickerson, # 15434,)	C.A. No. 1:10-1625-TLW-SVH
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
City of Charleston Police Department; et al,)	
)	
Defendants.)	
)	

This matter comes before the Court on plaintiff’s “Motion to relieve/remove U.S. Magistrate Judge Shiva V. Hodges, from all civil action cases . . . pertaining to [the plaintiff] because this U.S. Magistrate Judge is juggling all 3 civil actions . . . and is adding information from all 3 cases . . . to make unjustly decisions and recommendations to use against [him].” (Doc. # 77). The fact that a judge has reached decisions adverse to a plaintiff in other cases in which the plaintiff was a party and garnered information about the plaintiff from those cases is not a sufficient basis for recusal. See Liteky v. United States, 510 U.S. 540, 555 (1994) (“[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible.”); United States v. Roberts, 463 F.2d 372, 374 (4th Cir. 1972) (holding that a trial judge who refused to recuse himself after presiding over a defendant’s earlier guilty plea proceeding in a prior case did not abuse his discretion); see also Weber v. Garza, 570 F.2d 511, 512 n.1 (5th Cir. 1978) (“For purposes of recusal, it is insufficient to allege, without more, that a judge is familiar with the factual and procedural background of a case

by reason of having served as a judge in previous related cases.”). After careful review of plaintiff’s motion and the relevant legal authority, the Court concludes that the motion should be denied.

Accordingly, the plaintiff’s motion to relieve/remove United States Magistrate Judge Shiva V. Hodges (Doc. # 77) is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
UNITED STATES DISTRICT JUDGE

January 27, 2010
Florence, South Carolina